

Appl. No.: 09/807,165
Group Art Unit: 1714
Applicants' Reply to Paper No. 7

REMARKS

Claims 6, 8-9 and 11-25 are currently pending in the present application.

Claims 6, 15 and 25 have been amended herein and claims 7 and 10 have been canceled. Claims 6, 15 and 25 have been amended to specifically point out that the granules are substantially spherical and have diameters of from 0.5 to 5 mm. The amendments to claims 6, 15 and 25 are supported by the claims as originally filed and in the Specification, for example, at page 2, lines 9-14 & lines 19-29; at page 8, lines 19-23; and in the Examples. No new matter has been introduced. A complete listing of all claims ever presented is included herein in accordance with 37 C.F.R. §1.121(c). Entry of the amendments to claims 6, 15 and 25 is therefore proper and respectfully requested.

In Paper No. 7, the Examiner rejects claim 14 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Examiner contends that the phrase "substantially spherical" is unclear. The Examiner has requested clarification.

Applicants respectfully submit that the phrase is not unclear. One embodiment of Applicants' claimed invention is directed to granules containing at least one plastic additive, wherein the granules are substantially spherical and have a diameter of from 0.5 to 5 mm. As explained in Applicants' Specification, at page 2, lines 23-29, the granules may be graphically referred to as 'beads' having a longitudinal axis, referred to as length, and a maximum diameter measured perpendicularly to the length. In cases where the length to diameter ratio is 1:1, the beads are spheres. (See, Applicants' Spec., p. 2, lines 19-29). Accordingly, the phrase "substantially spherical" refers to granules having a length to diameter ratio approaching 1:1, wherein the length and the diameter are the same or nearly the same. A *perfect* spherical shape is not required.

Applicants' submit that one of ordinary skill in the art, upon reading Applicants' Specification, would understand what is meant by the phrase "substantially spherical" and that the phrase is not unclear. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

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In Paper No. 7, the Examiner sets forth three separate anticipation rejections. First, the Examiner rejects claims 6-12, 15-19 and 21-23 under 35 U.S.C. §102(b), as being anticipated by U.S. Pat. No. 5,318,733 of Carduck, *et al.* (hereinafter referred to as "Carduck"). Second, the Examiner rejects claims 6-14 and 25 under 35 U.S.C. §102(b), as being anticipated by U.S. Pat. No. 5,597,857 of Thibaut, *et al.* (hereinafter referred to as "Thibaut"). Third, the Examiner rejects claims 6-11, 15 and 19 under 35 U.S.C. §102(e), as being anticipated by U.S. Pat. No. 6,423,132 of Balliello, *et al.* (hereinafter referred to as "Balliello").

None of the three references individually teaches a composition comprising granules containing at least one plastic additive, wherein the granules are substantially spherical and have a diameter of from 0.5 to 5 mm. Carduck is directed to compacted detergent granules. Carduck notes an optional rounding step to obtain spherical granules but fails to specifically teach granules containing at least one plastic additive wherein the plastic additive-containing granules are substantially spherical and have a diameter of from 0.5 to 5 mm. Thibaut is directed to plastic additives, but as noted by the Examiner in reference to Example 1, the granules are more cylindrical than spherical, *i.e.*, 2 mm : 1 mm up to 6 mm : 1 mm. (*See*, Thibaut, col. 39, Table 1). Balliello discloses optional spheronizing of pigment granules. However, like Carduck, Balliello fails to specifically teach a composition comprising granules containing at least one plastic additive, wherein the granules are substantially spherical and have a diameter of from 0.5 to 5 mm.

Accordingly, since no single reference teaches each and every element of the claimed invention, as required to support an anticipation rejection, Applicants submit that the claimed invention is novel. Reconsideration and withdrawal of the rejections under 35 U.S.C. §102 are respectfully requested.

In Paper No. 7, the Examiner rejects claims 20 and 24 under 35 U.S.C. §103(a), as being unpatentable over Carduck in view of U.S. Pat. No. 3,741,703 of Reynolds (hereinafter referred to as "Reynolds"). The Examiner has argued that the only difference between Carduck and the claimed invention is that Carduck fails to disclose the rotational speed at which spheronizing is performed. Applicants respectfully disagree. As mentioned above, Carduck fails

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to teach a composition comprising granules containing at least one plastic additive wherein the granules have the claimed diameter and shape. Reynolds, which the Examiner cites for its teachings of spheronizing equipment and rotating disc speeds, does not remedy the deficiencies of Carduck. The combination of references does not teach or suggest the claimed invention. Reconsideration and withdrawal of the rejection based upon Carduck and Reynolds are respectfully requested.

In Paper No. 7, the Examiner rejects claim 20 under 35 U.S.C. §103(a), as being unpatentable over Balliello in view of Reynolds. Again, the Examiner argues that the only differences between Balliello and the claimed invention are the specific spheronizing conditions. Applicants respectfully disagree. As mentioned above, Balliello fails to teach a composition comprising granules containing at least one plastic additive wherein the granules have the claimed diameter and shape. Reynolds does not remedy this deficiency. Reconsideration and withdrawal of the rejection based upon Balliello and Reynolds are respectfully requested.

In view of the amendments made herein and the comments set forth above, Applicants submit that all pending claims fully comply with the requirements of 35 U.S.C. §112, second paragraph, and that all pending claims patentably distinguish over the prior art of record and known to Applicants, either alone or in combination. Accordingly, reconsideration, withdrawal of the rejections and a Notice of Allowance for all pending claims are respectfully requested.

Respectfully submitted,

PETER DAUTE, et al.

By: 

AARON R. ETTELMAN

Registration No. 42,516

COGNIS CORPORATION

2500 Renaissance Blvd., Suite 200

Gulph Mills, PA 19046

Telephone: (610): 278-4930

Facsimile: (215): 278-4971

E-Mail: AARON.ETTELMAN@COGNIS-US.COM

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